

**ORDINANCE NO. 20210610-123**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2700, 2716 AND 2726 EAST 5<sup>TH</sup> STREET IN THE HOLLY NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2020-0145, on file at the Housing and Planning Department, as follows:

A 1.74 acre tract of land, being a portion of Outlots 11 and 12, Division "A" of the Government Outlots, City of Austin, Travis County, Texas, and being comprised of portions of those certain tracts of land as conveyed to the Houston and Texas Central Railway Company by Deed recorded in Book W, Page 136, and in Volume 30, Page 217, Deed Records of Travis County, Texas, said 1.74 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

2.813 acres (122,532 square feet) of land, situated in the George J. Neil Survey, A-586, out of Outlot 12, Division "A" of the Government Outlots, City of Austin, Travis County, Texas, also being those certain called 1.809 acre and 1 acre tracts of land conveyed to E.E. Stuessy Company, Inc. by Deed recorded in Volume 5157, Page 1305, Deed Records of Travis County, Texas, said 2.813 acres of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 2700, 2716, and 2726 East 5<sup>th</sup> Street in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "C"**.

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are not permitted uses of the Property:

- |                           |                        |
|---------------------------|------------------------|
| Adult oriented businesses | Campground             |
| Convenience storage       | Exterminating services |
| Kennels                   | Pawn shop services     |

B. The following uses are conditional uses of the Property:

- |                                  |                               |
|----------------------------------|-------------------------------|
| Automotive washing (of any type) | Commercial off-street parking |
|----------------------------------|-------------------------------|

**PART 3.** Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, mixed use (MU) combining district and other applicable requirements of the City Code.

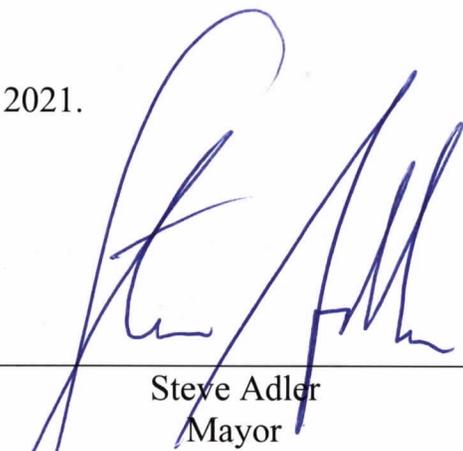
**PART 4.** The Property is subject to Ordinance No. 011213-44 that established zoning for the Holly Neighborhood Plan.

**PART 5.** This ordinance takes effect on June 21, 2021.

**PASSED AND APPROVED**

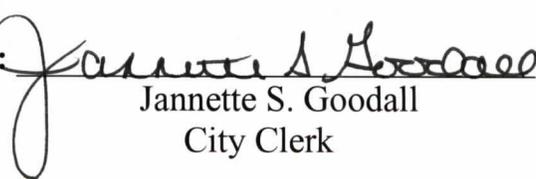
\_\_\_\_\_ June 10 \_\_\_\_\_, 2021

§  
§  
§



Steve Adler  
Mayor

**APPROVED:**   
Anne L. Morgan  
City Attorney

**ATTEST:**   
Jannette S. Goodall  
City Clerk



## WUEST GROUP

Firm No. 10194507

EXHIBIT " \_ "

### FIELD NOTES DESCRIPTION

**DESCRIPTION OF A 2.813 ACRE (122,532 SQUARE FEET) TRACT OF LAND SITUATED IN THE GEORGE J. NEIL SURVEY, A-586, BEING OUT OF OUTLOT No. 12, DIVISION "A" OF THE GOVERNMENT OUTLOTS OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS (RECORD MAP FILED AT THE TEXAS GENERAL LAND OFFICE), ALSO BEING ALL OF THOSE CERTAIN CALLED 1.809 ACRE AND 1 ACRE TRACTS OF LAND CONVEYED TO E.E. STUESSY COMPANY, INC. BY DEED OF RECORD IN VOLUME 5157, PAGE 1305, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.813 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod with cap stamped "DELTA" found on the north right-of-way line of E. 5th Street (62.5' R.O.W. per City of Austin Plan & Profile No. 1-A-912 B&C), being the common south corner of said 1.809 acre tract and that certain called 1.74 acre tract of land conveyed to 2700 East 5th JV, LLC by Special Warranty Deed of record in Document #2019071544 of the Official Public Records of Travis County, Texas, for the southwest corner of the tract described herein, from which a 1/2-inch iron rod with cap stamped "Survey Works 6356" found at the intersection of the north right-of-way line of E. 5th Street with the south curving right-of-way line of a railroad conveyed to Southern Pacific Transportation Company (no deed record information available at the time of this survey), being the west corner of said 1.74 acre tract, bears N 69°31'33" W, a distance of 716.10 feet;

**THENCE** N 20°50'23" E, leaving the north right-of-way line of East 5th Street and with the common line of said 1.809 acre tract and said 1.74 acre tract, being with the west line of the tract described herein, a distance of 246.63 feet to a 1/2-inch iron rod with cap stamped "DELTA" found at a point of curvature of a curve to the left and being on the south curving right-of-way line of said railroad, also being the common north corner of said 1.809 acre tract and said 1.74 acre tract, for the northwest corner of the tract described herein;

**THENCE** with the south curving right-of-way line of said railroad and the north line of said 1.809 acre tract, also being with the north line of the tract described herein, with the arc of a curve to the left having a radius of 2864.93 feet, an arc distance of 413.31 feet, and a chord which bears N 80°01'59" E, a distance of 412.95 feet to a 1/2-inch iron rod with cap stamped "DELTA" found at a point of tangency on the west right-of-way line of N. Pleasant Valley Road (R.O.W. width varies), being the northeast corner of said 1.809 acre tract, for the northeast corner of the tract described herein;

**THENCE** S 20°50'15" W, leaving the south curving right-of-way line of said railroad and with the west right-of-way line of N. Pleasant Valley Road, being with the east lines of said 1.809 acre tract and said 1 acre tract, also being with the east line of the tract described herein, passing at a distance of 28.00 feet a 1/2-inch iron rod with cap stamped "DELTA" found being the common east corner of said 1.809 acre tract and said 1 acre tract, and continuing for a total distance of 455.85 feet to a 1/2-inch iron rod with cap stamped "Wuest Group" set at the intersection of the west right-of-way line of N. Pleasant Valley Road with the north right-of-way line of E. 5th Street, being the southeast corner of said 1 acre tract, for the southeast corner of the tract described herein;



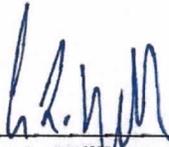
**THENCE**, N 69°31'33" W, leaving the west right-of-way line of N. Pleasant Valley Road and with the north right-of-way line of E. 5th Street, being with the south lines of said 1.809 acre tract and said 1 acre tract, also being with the south line of the tract described herein, passing at a distance of 112.25 feet a 1/2-inch iron rod with cap stamped "Wuest Group" set being the common south corner of said 1.809 acre tract and said 1 acre tract, and continuing for a total distance of 354.71 feet to the **POINT OF BEGINNING** and containing 2.813 acres (122,532 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone (4203), NAD83, Grid.

That I, Cara L. Williams, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying survey map are true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey under my direction and supervision.

**As Prepared by  
WUEST GROUP**

Firm Registration No. 10194507

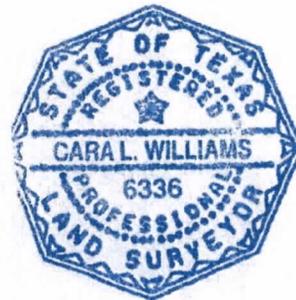


**Cara L. Williams**

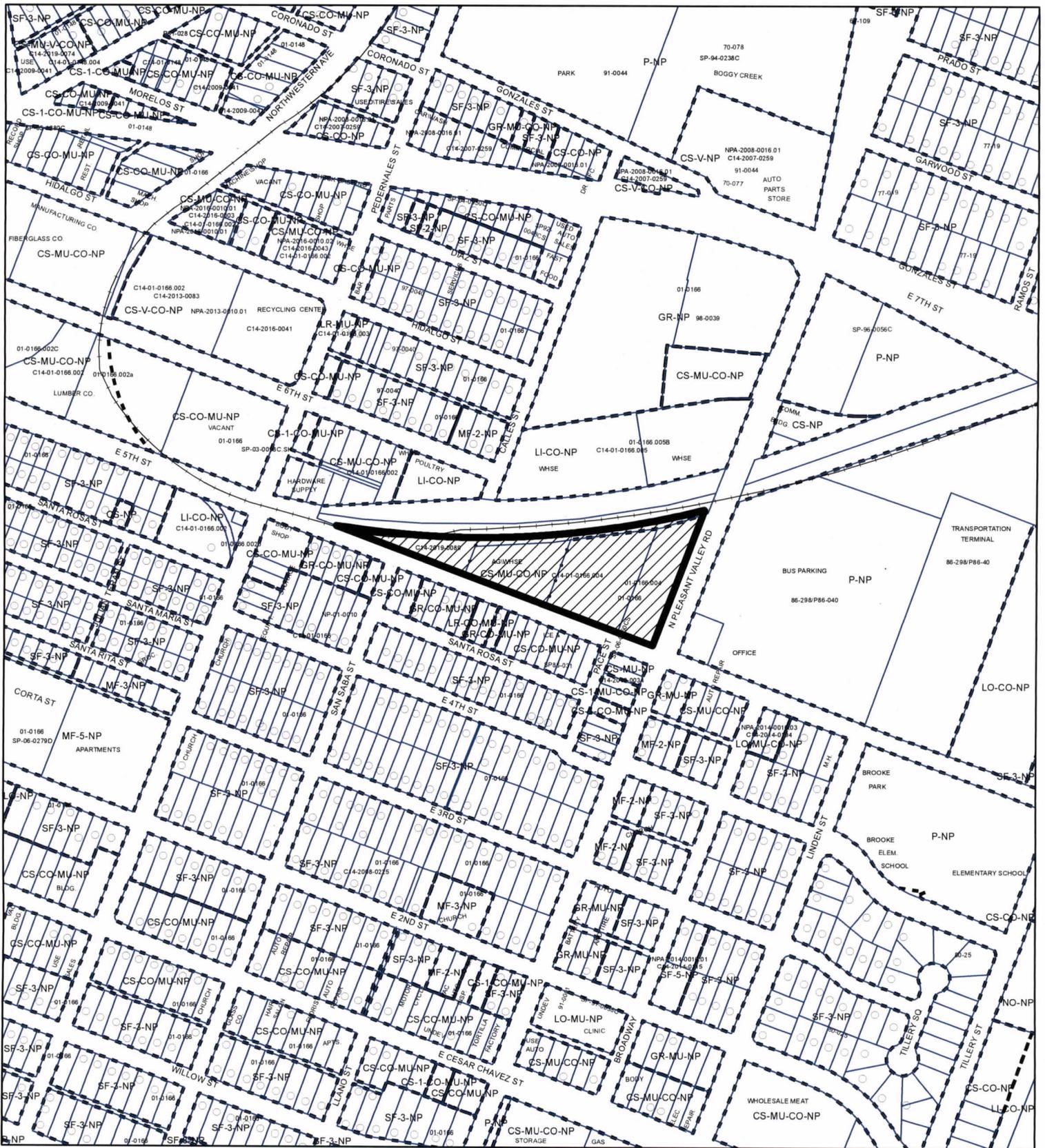
RPLS No. 6336 – State of Texas  
(512)394-1900

*12-4-2020*

**Date**







-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2020-0145**

Exhibit C



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**Created: 12/15/2020**